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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/465,676	12/17/1999	THORSTEN BURGER	4120-US	9163

7590 08/25/2004

MARTIN A FARBER ESQ
866 UNITED NATIONS PLAZA
SUITE 473
NEW YORK, NY 10017

EXAMINER

DAVIS, TEMICA M

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/465,676

Applicant(s)

BURGER

Examiner

Temica M. Davis

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-11 is/are allowed.
- 6) ☒ Claim(s) 1-3, 12-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 5/21/2004 have been fully considered but they are not persuasive.

Applicant argues that Meir fails to disclose aspects of the present invention, such as purely capacitive coupling, where one capacitor is moved into the electrical field of another capacitor, and further wherein the electrical field is an alternating field where the amplitude and sign of the voltage applied to the capacitor are changing constantly, and further wherein the capacitive field of one capacitor produces a voltage in the other capacitor.

With regards to claims 1-3 and 12-15, the examiner, however, asserts that such features are not claimed. Specifically, claim 1 requires that data is transmitted over air to a receiver using capacitive coupling for such transmission using a signal generated by an alternating electrical field. Meir discloses such features in the cited portions. Although charge capacitors are used between the transmitter and the receiver, they still perform the same function as the capacitive coupling claimed (i.e., enabling transmission of data to a receiver).

Based on the arguments above, the rejections to claims 1-3 and 12-15 stand as set forth below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3 and 12-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Meier, U.S. Patent No. 6,323,566.

Regarding claim 1, Meier discloses a method for transmitting data for a security device, in particular for access authorization systems and/or driving authorization systems of a motor vehicle comprising the steps of transmitting data over air from a transmitter unit to a receiver unit, wherein, after capacitive coupling of the transmitter unit and receiver unit, transmitting the data from transmitter to receiver using a signal which is generated by a capacitive alternating field (col. 3, line 51-col. 4, line 13, col. 4, line 60-col. 5, line 2 and col. 5, line 55-col. 6, line 66; figure 1).

Regarding claim 2, Meier discloses the method as claimed in claim 1, further comprising the steps wherein, after reception of the signal, a transmitter transmits an encoded information item to the receiver on a second wireless transmission link, which information item is compared with a predefined encoded information item in the receiver, and when said items correspond, a drive signal for the security device is output (col. 7, line 62-col. 8, line 2).

Regarding claim 3, Meier discloses the method as claimed in claim 2, wherein the second transmission link for the encoded information item is implemented by inductive coupling or radio coupling (col. 7, line 62-col. 8, line 2).

Regarding claim 12, Meier discloses the method as recited in claim 2, further comprising the step of modulating the encoded information item onto a carrier frequency of substantially 400MHz (col. 3, lines 56-61).

Regarding claim 13, Meier discloses the method as recited in claim 2, wherein said step of outputting a drive signal further comprises the step of communicating with a central locking system of a motor vehicle in order to at least one of open and close a lock on a vehicle door (col. 2, lines 1-8 and col. 2, line 63-col. 3, line 3).

Regarding claim 14, Meier discloses the method as recited in claim 2, wherein said step of outputting a drive signal further comprises the step of communicating with an immobilizer of a motor vehicle in order to at least one of activate and deactivate a drive of a motor vehicle (col. 2, line 63-col. 3, line 3).

Regarding claim 15, Meier discloses a method for transmitting data for a security device, in particular for access authorization systems and/or driving authorization systems of a motor vehicle comprising the steps of forming a capacitive coupling between a transmitter unit and a receiver unit, and transmitting the data from the transmitter to the receiver using a signal which is generated by a capacitive alternating field (col. 3, line 51-col. 4, line 13, col. 4, line 60-col. 5, line 2 and col. 5, line 55-col. 6, line 66; figure 1).

Allowable Subject Matter

4. Claims 4-11 are allowed.
5. The following is a statement of reasons for the indication of allowable subject matter: Prior art fails to suggest or render obvious a system for activating and deactivating a security device as described in independent claim 4.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temica M. Davis whose telephone number is (703) 306-

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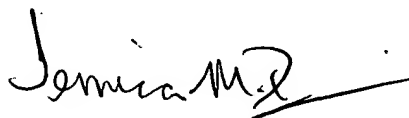
5837. The examiner can normally be reached on Monday-Thursday (alternate Fridays) 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on (703) 308-4825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Temica M. Davis
Examiner
Art Unit 2681

August 19, 2004


TEMICA M. DAVIS
PATENT EXAMINER